

c'd PCT/PTO 17 MAR 2005



GlaxoSmithKline

Balca

FAX

To Attn: Barbara Campbell

Company USPTO

Fax 703-305-3230

From Valerie L. Phillips

Tel 919-483-8223 Fax 919-483-5730

E-mail Vlp47157@gsk.com

Date March 17, 2005 Pages including cover 10

Subject Response to Missing Requirements

Glaxo Wellcome Inc.
PO Box 13398
Five Moore Drive
Research Triangle Park
North Carolina 27709
Tel: 919 483 2100
www.gsk.com

Serial No.: 10/502,266

Filing Date:

Applicant: Alvaro et al.

Title: Piperidylcarboxamide Derivatives and Their Use in the Treatment of Tachykinin-Mediated Diseases

Examiner: Barbara Campbell

Attached:

Certificate of transmission via facsimile

Notification of Missing Requirements under 35 U.S.C. 371 in the US....

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371

Declaration

Response to Missing Sequence Listing

Thank you,
Valerie Phillips

Certificate of Transmission by Facsimile (37 CFR 1.8)

I hereby certify that this Response to Notification of Missing Requirements is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-305-3230) on March 17, 2005

Valerie L. Phillips
Valerie L. Phillips

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FORM PTO-1350 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 12-2004)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

PI4749USW

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/502,266

INTERNATIONAL APPLICATION NO.

PCT/GB03/00499

INTERNATIONAL FILING DATE

February 5, 2003

PRIORITY DATE CLAIMED

February 8, 2002

TITLE OF INVENTION

Piperidylcarboxamide Derivatives And Their Use In The Treatment Of Tachykinin-Mediated Diseases

APPLICANT(S) FOR DO/EO/US

ALVARO, Giuseppe; PAIO, Alfredo; PONTIROLI, Alessandro; SPADA, Simone; TRANQUILLINI, Maria; Elvira

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ Is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☐ Other items or information:

PTO-1390 (Rev. 12-2004)

Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/502,266		PCT/GB03/00499		PI4749USW	
24. The following fees are submitted:				Applicant use	Office use
<input type="checkbox"/> a) Basic national fee \$300.00				\$	\$0.00
<input type="checkbox"/> b) Examination fee \$200.00				\$	\$0.00
<input type="checkbox"/> c) Search fee \$500.00				\$	\$0.00
TOTAL OF ABOVE CALCULATIONS = \$1000.00				\$	\$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	/50 =		x	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	\$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	21 - 20 =	0	x \$18.00	\$	\$0.00
Independent claims	2 - 3 =	0	x \$86.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> +				\$	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
SUBTOTAL =				\$	\$130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$130.00
Amount to be refunded:				\$	
Amount to be charged:				\$	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>07-1392</u> in the amount of <u>\$130.00</u> to cover the above fees. A duplicate copy of this sheet is					
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>07-1392</u> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
23347				SIGNATURE	
				Lorie Ann Morgan	
				NAME	
				38,181	
				REGISTRATION NUMBER	

PI4749USW

Rec'd PCT/PTO

17 MAR 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6
with
Surcharge

In re Application of: Alvaro et al.

Serial No.: 10/505,266

Filing Date:

Art Unit:

Examiner:

For: Piperidylcarboxamide Derivatives and Their Use in the Treatment of Tachykinin-Mediated Diseases

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

In response to the Notification of Missing Requirements for Patent Applications Containing Nucleotide and/or Amino Sequence Disclosures, mailed August 18, 2004, Applicants respectfully submit that no sequence listing is required. Applicant respectfully submit that the instant application does not include any peptide or nucleotide sequences. Accordingly, Applicants do not believe the submission of a Sequence Listing according to MPEP 2422.03 is required in the instant case.

In view of the foregoing, Applicants respectfully request that the Notification of Missing Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures be withdrawn and the application be passed to the Examiner group for review.

In accordance with PTO requirements, a copy of the Notification of Missing Requirements is attached. The Office is invited to contact Applicants' representative, Karen Prus, at (919) 483-2192 to discuss this matter further, if desired.

Respectfully submitted



Lorie Ann Morgan
Attorney for Applicants
Registration No. 38,181

Date: 17th March 2005

GlaxoSmithKline

Five Moore Drive, PO Box 13398

Research Triangle Park

North Carolina 27709

Telephone: (919) 483-8222

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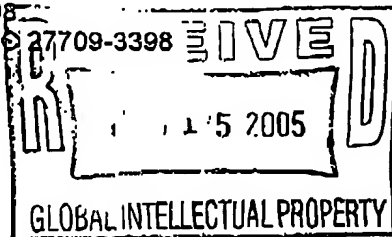
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO. 10/502,266	FIRST NAMED APPLICANT Giuseppe Alvaro	ATTY. DOCKET NO. PI4749USW
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INTERNATIONAL APPLICATION NO. PCT/GB03/00499	
I.A. FILING DATE 02/05/2003	PRIORITY DATE 02/08/2002

23347

DAVID J LEVY, CORPORATE INTELLECTUAL PROPERTY
GLAXOSMITHKLINE
FIVE MOORE DR., PO BOX 13398
RESEARCH TRIANGLE PARK, NC 27709-3398CONFIRMATION NO. 9337
371 FORMALITIES LETTER

OC000000015144380

Date Mailed: 02/10/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/22/2004
- Copy of the International Search Report filed on 07/22/2004
- Copy of IPE Report filed on 07/22/2004
- Preliminary Amendments filed on 07/22/2004
- Information Disclosure Statements filed on 07/22/2004
- Biochemical Sequence Listing filed on 07/22/2004
- U.S. Basic National Fees filed on 07/22/2004
- Priority Documents filed on 07/22/2004

DOCKETED

Docket No: PI4749USW
 Attorney: LAM (AP-V)
 Paper: Declaration w/ Fee
 Seq Listing Due
 Due Date: 10 April 2005
 Deadline: 10 Sep 2005
 Recorded: M

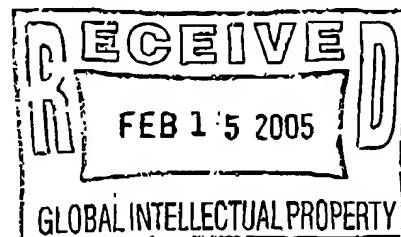
The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/502,266	PCT/GB03/00499	PI4749USW

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